

REMARKS

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1-7 are now present in the application. Claim 1 and 4 have been amended. Claims 1 and 4 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al., U.S. Patent No. 6,407,791 (hereinafter "Suzuki") in view of Inoue et al., U.S. Patent No. 5,781,256 (hereinafter "Inoue"). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Inoue, and further in view of Watanabe et al., U.S. Patent No. 5,815,223 (hereinafter "Watanabe"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Inoue, and further in view of Nimura et al., U.S. Application Publication No. 2003/0174267 (hereinafter "Nimura"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Inoue, and further in view of Hwang et al., U.S. Application Publication No. 2002/0158995 (hereinafter "Hwang"). These rejections are respectfully traversed.

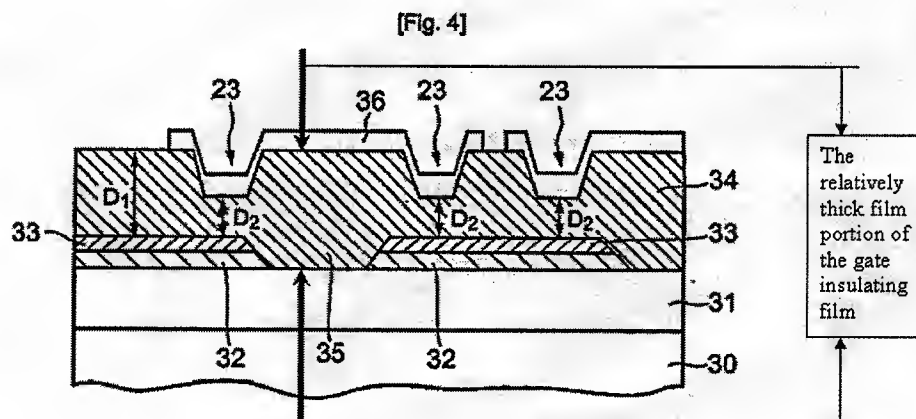
A complete discussion of the Examiner's rejections is set forth in the Office Action, and is not repeated herein.

Without conceding to the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 4 have been amended to more clearly clarify the present invention, respectively.

In particular, independent claim 1 now recites a combination of elements including "a source electrode and a drain electrode formed on an insulating substrate via an interlayer insulating film; *a gate insulating film having a relatively thin film portion partially on said source electrode and said drain electrode and a relatively thick film portion between said*

source electrode and said drain electrode; and a gate bus layer formed on said gate insulating film including at least said thin film portion, wherein an MIM structure is configured by said source electrode, said drain electrode, said gate insulating film in said thin film portion and said gate bus layer.” Support for this amendment can be found at least at, for example, Fig. 4, paragraph [0028] and [0032] of the Specification as originally filed. Thus, no new matter has been added. Applicant respectfully submits that the above-emphasized feature set forth in claim 1 is not disclosed or suggested by the references relied on by the Examiner.

Specifically, referring to Fig. 4 of the present application reproduced below, a silicon nitride film 34, which is a gate insulating film, is formed on the source electrode and the drain electrode, and *in the gap 35 between the source electrode and the drain electrode* (see paragraphs [0028] and [0032]). Therefore, the gate insulating film 34 includes a **relatively thick portion** between the source electrode and the drain electrode and a relatively thin portion on the source electrode and the drain electrode.



On page 2 of the outstanding Office Action, the Examiner refers to the element 61 of Suzuki as the gate insulating film of the present invention. However, referring to Fig. 18 of Suzuki, Suzuki merely teaches a gate insulating film 61 partially on the source electrode 57 and the drain electrode 58; however, Suzuki does not expressly teaches the gate insulating film includes a relatively thin film portion formed on the source electrode 57 and a relatively thick

film portion formed between the source electrode and the drain electrode, as set forth in the present invention. Actually, Fig. 18 at most shows that the portion of the gate insulating film 31 partially formed on the source electrode 57 and the drain electrode 58 and the portion formed between the source electrode 57 and the drain electrode 58 have the same thickness.

Therefore, Applicant respectfully submits that Suzuki fails to teach or suggest “*a gate insulating film having a relatively thin film portion partially on said source electrode and said drain electrode and a relatively thick film portion between said source electrode and said drain electrode*” as recited in amended claim 1.

With regard to the Examiner’s reliance on Inoue, this reference has only been relied on for its teaching of a interlayer insulating film. However, Inoue nowhere teaches “*a gate insulating film having a relatively thin film portion partially on said source electrode and said drain electrode and a relatively thick film portion between said source electrode and said drain electrode*” as recited in claim 1, and thus fails to cure the deficiency of Suzuki.

With regard to the Examiner’s reliance on Nimura and Hwang, these references have only been relied on for their teachings against some dependent claims. It is submitted that Nimura and Hwang also fail to disclose the above-mentioned features set forth in claim 1, and thus fails to cure the deficiencies of Suzuki and Inoue.

Since the references relied on by the Examiner, either taken alone or in combination, fail to teach each and every claimed feature as recited in claim 1, Applicant respectfully submits that claim 1 clearly defines over the teachings of the references relied on by the Examiner. With regard to independent claim 4, it is submitted that amended claim 4 also clearly defines over the references relied on by the Examiner for the same reasons as claim 1.

In addition, claims 2, 3 and 5-7 depend, either directly or indirectly, from independent claims 1 and 4, and are therefore allowable based on their respective dependence from independent claims 1 and 4, which are believed to be allowable.

In view of the above amendments to the claims and remarks, Applicant respectfully submits that claims 1-7 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: **August 21, 2009**

Respectfully submitted,

By 

Paul C. Lewis

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant